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FISCAL IMPACT STATEMENT

LS 6735
BILL NUMBER: HB 1302

NOTE PREPARED: Dec 28, 2014
BILL AMENDED:

SUBJECT: Expungement.

FIRST AUTHOR: Rep. McMillin
FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: Local

Summary of Legislation: This bill has the following provisions:

- A. *Expands Types of Circumstances for Which Petitions for Expungement May Be Filed* – It provides that expungement provisions concerning an arrest that does not lead to a conviction also apply to criminal charges or juvenile delinquency allegations that do not lead to a conviction.
- B. *Expands Where Petitions for Expungement May Be Filed* – It specifies that a person who files for expungement of an arrest, charge, or juvenile delinquency adjudication that did not lead to a conviction or juvenile delinquency adjudication may file the petition in a circuit or superior court.
- C. *Filing Fee Prohibited* – It specifies that a person who files a petition for expungement may not be required to pay a filing fee.
- D. *Certified Copies of BMV Records* – It removes a requirement that Bureau of Motor Vehicles records must be certified.

Effective Date: July 1, 2015.

Explanation of State Expenditures:

Explanation of State Revenues: *Filing Fee Prohibited* – This provision should cause no revenue reduction. Staff of the Supreme Court’s Division of State Court Administration believe that current law does not require a court to charge a filing fee for petitions to expunge either arrests or convictions. The State Board of Accounts has agreed with the Division’s position.

Explanation of Local Expenditures: *Expands Types of Circumstances for Which Petitions for Expungement*

May Be Filed – This provision could increase the number of filings to remove certain criminal records if an adult is not charged with a criminal act or a juvenile is not charged with committing a delinquent act. Any additional burden to the courts will depend on the number of criminal charges or juvenile allegations that did not result in a conviction.

Expands Where Petitions for Expungement May Be Filed – Under current law, a petition for expungement of records must be filed in the same court that the charges were filed or, if no charges were filed, in a court of criminal jurisdiction. As proposed, a person may petition in any circuit or superior court in the county in which the original filings were made. Depending on the work load in the courts in each county, this provision would permit case loads to be more efficiently distributed between courts in these counties.

Explanation of Local Revenues: *Filing Fee Prohibited* – The prohibition against charging a filing fee should cause no revenue reduction.

State Agencies Affected: Division of State Court Administration.

Local Agencies Affected: Courts with criminal jurisdiction.

Information Sources: <http://www.in.gov/judiciary/admin/files/pubs-trial-court-44-expungement-statute.pdf>

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